

August 19, 2021

By electronic submission to www.regulations.gov

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives
Office of Regulatory Affairs, Enforcement Programs and Services
Attn: Andrew Lange
99 New York Ave. NE, Mail Stop 6N-518
Washington, DC 20226

Re: Comment Letter on the Notice of Proposed Rulemaking: Definition of “Frame of Receiver” and Identification of Firearms (Docket No. ATF 2021R-05)

To Whom It May Concern:

We, the undersigned members of Congress, write to strongly support the rule proposed by the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) to regulate the core parts used to make untraceable ghost guns. Ghost guns are untraceable firearms and the core parts are sold by companies that do not serialize their products nor conduct background checks on the sales. The lack of regulation has led to the proliferation of ghost guns with devastating effects on our communities. The proposed rule is completely consistent with enforcing the commonsense gun laws we have on the books and will put an end to a market for ghost guns that has been a boon to gun traffickers, prohibited purchasers, and armed extremists.

Gun violence is a public health crisis and the need for action is clear. The lack of action, inspired by the gun lobby, has led to the dire consequence of illegal guns flooding our communities. Congress has brought attention to this issue in the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security hearing on “An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings” and the Senate Judiciary Subcommittee on the Constitution hearing entitled “Stop Gun Violence: Ghost Guns.” These hearings have generated a fulsome record of the danger posed by these weapons, the ease with which they can be built, and the data on how dramatic an issue this has become in a relatively short time. The fact of the matter is that our communities cannot be safe when they are flooded with illegal guns. ATF estimates that 10,000 illegal ghost guns were recovered in 2019,¹ with a significant spike in recoveries being reported in communities across the country. For example:

- Forty-one percent of ATF’s cases in Los Angeles involved ghost guns.²

¹ Zusha Elinson, “Ghost-gun Company Raided by Federal Agents,” *Wall Street Journal*, Dec. 11, 2020, <https://on.wsj.com/3h1mPIZ>.

² Brandi Hitt, “‘Ghost Guns’ Investigation: Law Enforcement Seeing Unserialized Firearms on Daily Basis in SoCal,” ABC7 Los Angeles, January 30, 2020, <https://abc7.com/5893043/>.

- In the last year, Pennsylvania has seen a 437 percent increase in ghost gun recoveries.³
- Law enforcement recovered 220 ghost guns in New York in 2020 compared to 72 in 2019—a 206 percent increase.⁴
- In 2020, Chicago police recovered 139 ghost guns—double the number recovered in 2019.⁵
- The number of ghost gun recoveries in Baltimore, MD tripled between 2019 and 2020.⁶
- The number of ghost guns recovered in Washington, DC rose from just three in 2017, to 25 in 2018, to 115 in 2019.⁷

The proposed rule enforces the laws that Congress has already passed. Federal gun laws require anyone engaged in the business of making firearms to, among other things, become a federal firearms licensee and place serial numbers on their firearms to enable the tracing of illegal guns and investigation of illegal activity. Federal law requires people engaged in the business of selling firearms to, among other things, become a licensed dealer and conduct background checks when selling firearms to the general public in order to prevent individuals who should not have guns from acquiring them. These laws ensure that companies that are mass producing weapons and those engaged in the repetitive sale of firearms are taking necessary precautions to protect public safety. This is the legal system we have long had on the books and that law-abiding federal firearms licensees have been complying with for decades.

The core parts used to build ghost guns that are the subject of this proposed rule should have always been regulated. For too long, ATF has neglected its enforcement responsibilities and as a result these deadly weapons have proliferated. ATF should have never allowed the people making and selling ghost guns to avoid the law. This regulation is appropriate because the core parts used to build ghost guns fit squarely within existing federal law. First, the law covers both complete firearms and the core parts of firearms — the frames and receivers. Second, the law does not require the firearm nor the frame or receiver to be fully operable in order to be regulated, but instead was written to cover products that could be readily converted to be operable. Congress anticipated that certain people would seek to evade the law by claiming their

³ Laura Olson, “Law enforcement officials from Pa., Md. urge action against rising numbers of ‘ghost guns’,” *Pennsylvania Capital Star*, May 12, 2021, <https://bit.ly/3eGVPPt>.

⁴ Nicholas J. Simmons, “Ghost Guns: A Haunting New Reality,” Rockefeller Institute of Government, April 2021, <https://bit.ly/3eD446j>.

⁵ Brónagh Tumulty, “‘Ghost Guns’ Seized by Chicago Police Steadily Rising as Biden Administration Plans to Target Them,” WGN TV, April 8, 2021, <https://bit.ly/3kI62pR>.

⁶ Joy Lepola, “Number of Ghost Guns Recovered in Baltimore More Than Triples,” Fox 45 News, December 3, 2020, <https://bit.ly/3rxBkS0>.

⁷ Amanda Michelle Gomez, “D.C. Recovered 115 Ghost Guns in 2019, Up From 25 the Year Before.” Washington City Paper, January 10, 2020, <https://bit.ly/3x9eLEa>

product was not fully operable and wrote the law to capture that conduct in order to protect public safety. This proposed rule makes good on the laws Congress passed.

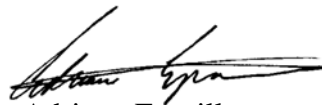
Importantly, the proposed rule would not be a burden on responsible, law-abiding citizens who seek to build their own firearms. Under the proposed rule, a person can still legally acquire the building blocks and construct a firearm to their preferences, however, those building blocks would have a serial number and the person would have to pass a background check to acquire those core parts from the company selling them. This would be the same process a person would have to undergo if they sought to purchase a fully operable firearm from a licensed dealer. There is no sensible reason that the companies making and selling these weapons should get special treatment and not be required to conduct their businesses the same way every other responsible, law-abiding firearms company does. The fact is that the only people this proposed rule burdens are gun traffickers, prohibited purchasers, and dangerous extremists who seek to get armed without a paper trail or a background check.

We will continue our work in Congress to enact stronger gun safety laws, and we commend President Biden for his leadership in taking appropriate executive action. We are in full support of the proposed rule and urge ATF to finalize it without delay.

Sincerely,



David N. Cicilline
Member of Congress



Adriano Espaillat
Member of Congress



Richard Blumenthal
United States Senator

/s/Jake Auchincloss
Member of Congress

/s/Nanette Diaz Barragán
Member of Congress

/s/Karen Bass
Member of Congress

/s/Donald S. Beyer, Jr.
Member of Congress

/s/Lisa Blunt Rochester
Member of Congress

/s/Anthony G. Brown
Member of Congress

/s/Julia Brownley
Member of Congress

/s/Salud Carbajal
Member of Congress

/s/Tony Cárdenas
Member of Congress

/s/André Carson
Member of Congress

/s/Judy Chu
Member of Congress

/s/Jim Cooper
Member of Congress

/s/J. Luis Correa
Member of Congress

/s/Jim Costa
Member of Congress

/s/Charlie Crist
Member of Congress

/s/Jason Crow
Member of Congress

/s/Madeleine Cunnane
Member of Congress

/s/Danny K. Davis
Member of Congress

/s/Madeleine Dean
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/s/Suzan DelBene
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/s/Val Demings
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/s/Mark DeSaulnier
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/s/Theodore Deutch
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/s/Debbie Dingell
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/s/Michael Doyle
Member of Congress

/s/Anna G. Eshoo
Member of Congress

/s/Dwight Evans
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/s/Bill Foster
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/s/Sylvia R. Garcia
Member of Congress

/s/ Jesús G. “Chuy”
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Member of Congress

/s/Jahana Hayes
Member of Congress

/s/Brian Higgins
Member of Congress

/s/James Himes
Member of Congress

/s/Jared Huffman
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/s/Sheila Jackson Lee
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/s/Pramila Jayapal
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/s/Henry C. “Hank” Johnson, Jr.
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/s/Mondaire Jones
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/s/Robin Kelly
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/s/Stephanie Murphy
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/s/Grace Napolitano
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/s/Eleanor Holmes Norton
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/s/Jimmy Panetta
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/s/Rashida Tlaib
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/s/Nikema Williams
Member of Congress

/s/Cory A. Booker
United States Senator

/s/Dianne Feinstein
United States Senator

/s/Kirsten Gillibrand
United States Senator

/s/Amy Klobuchar
United States Senator

/s/Edward J. Markey
United States Senator

/s/Robert Menendez
United States Senator

/s/Alex Padilla
United States Senator

/s/Chris Van Hollen
United States Senator

/s/Elizabeth Warren
United States Senator

/s/Sheldon Whitehouse
United States Senator

Any related correspondence may be sent to: 2233 Rayburn HOB, Washington, DC, 20515